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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/916,233

Filing Date July 25, 2001

First Named Inventor Chaitan KHOSLA, et al.

Group Art Unit 1623

Examiner Name Elli Peselev

Attorney Docket No. 286002021220

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Total Number Of Pages In This Submission

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## ENCLOSURES (check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form                                    | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input checked="" type="checkbox"/> Amendment / Reply                            | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations (see Exhibit A)                 | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                               | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
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| <input type="checkbox"/> Certified Copy of Priority Document(s)                  | <input type="checkbox"/> CD, Number of CD(s)  |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application       |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53     |   |  |

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500, San Diego, CA 92130  Kate H. Murashige
Signature	<i>[Handwritten Signature]</i> Reg No. 39,183 for Kate Murashige
Date	October 28, 2002

## CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 28, 2002.

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Ruth Saskowski

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PATENT  
Docket No. 286002021220

#8  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chaitan KHOSLA, et al.

Serial No.: 09/916,233

Filing Date: 25 July 2001

For: SCREENING METHOD FOR CANCER  
THERAPEUTICS AND STABLE  
ANTITUMOR DRUG

Examiner: Elli Peselev

Group Art Unit: 1623

AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to an Office Action herein mailed 27 September 2002, time for response to which was set to expire 27 October 2002. Restriction was required.

Applicants hereby elect to prosecute the invention of Group I, claim 1-5, drawn to a method to identify a compound.

Applicants are willing to elect the species wherein the candidate compound is an analog of apoptolidin as set forth in claim 4. Thus, all elected claims read on this election. Applicants are a bit puzzled as to the requirement for election in this instance since the whole purpose of the method is to identify which compounds are inhibitors. Nevertheless, an election has been made.

Please cancel claims 6-21 as drawn to non-elected inventions. Examination on the merits is now requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 28600-2021220.

Respectfully submitted,

Dated: October 28, 2002

By:

*SAL* Reg. No. 39,183  
for Kate H. Murashige  
Registration No. 29,959

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